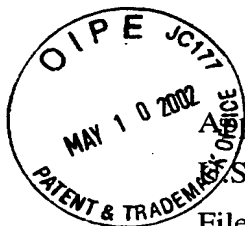


#5

Docket No.: 003636.0100US

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE



Applicant : James M. ZOMBEK et al.

S. Serial No: 09/740,040

Group Art Unit: 2153

Filed: December 20, 2000

Examiner: Unknown

For: MESSAGING METHOD AND APPARATUS INCLUDING A PROTOCOL
STACK THAT CORRESPONDS SUBSTANTIALY TO AN OPEN SYSTEM
INTERCONNECTION (OSI) MODEL AND INCORPORATES A SIMPLE
NETWORK TRANSPORT LAYER

**INFORMATION DISCLOSURE STATEMENT
UNDER 37 C.F.R. §1.56 AND §1.97**

RECEIVED

Commissioner of Patents
Washington, D.C. 20231

MAY 14 2002

Technology Center 2100

Sir:

Submitted herewith are copies of the documents listed on the attached PTO-1449 for the Examiner to consider and indicate that they were considered by making appropriate notations on the PTO-1449.

1. ☒ This information disclosure statement is being filed:
 - ☐ With this application
 - ☐ Within three months of the filing date of this application
 - ☐ Within three months of the date of entry of the national stage in an international application
 - ☒ Within three months of the mailing date of a search report in a corresponding International Application
 - ☐ Before the mailing date of a first office action on the merits for this application.
2. ☒ Copies of the listed documents:
 - ☒ Are attached (4 documents)
 - ☒ Search Report for corresponding patent application no. PCT/US 00/35478
 - ☐ Were previously submitted in a prior application, serial no. _____, filed _____, upon which applicant relies for the benefits provided in 35 U.S.C. §120.
3. ☐ Non-English language documents are attached:
 - ☐ The following is a concise statement of relevance of the non-English language documents:

- ☐ English translations of the non-English documents are enclosed
- ☐ In lieu of a statement of relevance or translation of the non-English documents, an English language version of a search report from the _____ Patent Office in a corresponding application citing these documents and setting forth their relevance is enclosed.
- ☐ Applicant submits an English language abstract attached to _____. The relevance of this document is also discussed at page _____ of the specification of the present application.
- ☐ In lieu of a statement of relevance or translation of the listed non-English language documents, an English language abstract setting forth the relevance for each listed non-English language document is enclosed.

This submission does not represent that a search has been made or that no better art exists and does not constitute an admission that each or all of the listed documents are material or constitute "prior art." If the Examiner applies any of the documents as prior art against any claim in the application and applicant determines that the cited documents do not constitute "prior art" under United States law, applicant reserves the right to present to the office the relevant facts and law regarding the appropriate status of such documents.

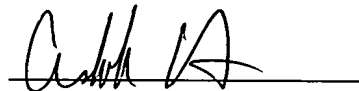
Applicant further reserves the right to take appropriate action to establish the patentability of the disclosed invention over the listed documents, should one or more of the documents be applied against the claims of the present application.

Please charge any fees due in connection with the filing of this statement or credit any overpayments to undersigned's Deposit Account No. 50-1656.

Respectfully submitted,

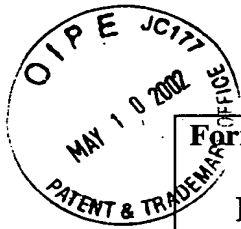
WILMER, CUTLER & PICKERING

Dated: 5/10/02


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Washington, D.C. 20037-1420
202-663-6000
202-663-6363 (facsimile)



Sheet 1 of 1

Form PTO-1449

**INFORMATION DISCLOSURE
STATEMENT BY APPLICANT**

Date Submitted: May 10, 2002

Docket Number

003636.0100US

Application Number

09/740,040

Applicant

James M. ZOMBEK et al.

Filing Date

December 20, 2000

Group Art Unit

2153

U.S. PATENT DOCUMENTS

EXAMINER INITIAL		DOCUMENT NUMBER	DATE	NAME	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE
	AA	5,771,353	06/1998	Eggleston et al.	395	200.57	
	AB						
	AC						
	AD						
	AE						
	AF						
	AG						
	AH						
	AI						
	AJ						
	AK						
	AL						
	AM						
	AN						

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MAY 14 2002

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FOREIGN PATENT DOCUMENTS

		DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUBCLASS	TRANSLATION	
							YES	NO
	AO	0959600	11/1999	EP	H04L	29/06		
	AP							
	AQ							
	AR							
	AS							

OTHER DOCUMENT

(Including Author, Title, Date, Pertinent Pages, Etc.)

	AT	Dolgicer, M ; Messaging Middleware : The Next Generation ; Data Communications ; July 1994 ; vol. 23, no. 10, pp 77-82, 84; XP000457362
	AU	Patent Abstracts of Japan Publication No. 10233820, publication date 09/02/98
	AV	Search Report for corresponding patent application no. PCT/US 00/35478

EXAMINER

DATE CONSIDERED

EXAMINER: Initial if citation considered, whether or not citation is in conformance with MPEP § 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to the applicant.